MESSAGE

FROM

THE GOVERNOR,

ACCOMPANIED WITH

THE REPORT

OF

THE CANAL COMMISSIONERS,

RELATIVE TO THE

PENNSYLVANIA CANAL AND RAIL-ROAD.

READ IN SENATE—December 18, 1829.

HARRISBURG:

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1829.

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REPORT, &c.

To the Senate and House of Representatives of the Commonwealth of Pennsylvania.

GENTLEMEN:

I herewith transmit to the Senate and House of Rperesentatives, a copy of a letter from the president of the board of canal commissioners, together with their report, made conformably to law, and the documents accompanying the same.

GEO. WOLF.

Harrisburg, December 18, 1829.

CANAL COMMISSIONERS OFFICE,

Harrisburg, December 18, 1829.

His Excellency GEORGE WOLF,
Governor of Pennsylvania.

SIR,

By order of the canal commissioners of Pennsylvania, I have this day signed their annual report, and have the honor of presenting it herewith to your excellency, with accompanying documents.

Very respectfully, sir,
Your obedient servant,
DAVID SCOTT,
President of the board of canal commissioners of Pennsylvania.

The Canal Commissioners of Pennsylvania, respectfully submit the following Report:

The act to provide for the commencement of a canal, to be constructed at the expense of the state, and to be styled the Pennsylvania canal, was passed on the 25th of February, 1826. This act contained an appropriation for the purpose, of $300,000. To this sum the legislature has added, since that period, by annual appropriations, $6,000,000, making the whole sum appropriated, for canal and rail-road purposes, $6,300,000. In addition, there has been placed to the credit of the treasurer of the board, the loans negotiated by the Governor since the first of October last, to meet the pressing demands upon some of the divisions, amounting to $106,000.

The whole distance of the Pennsylvania canal, authorised to be constructed by the several acts of assembly, and placed under

contract prior to the first of June, 1829, is 419½ miles. Nine miles have been placed under contract since that period, making the whole distance now under contract, 428½ miles, viz:

From Pittsburg to Johnstown,	104 miles.
From the mouth of the Juniata to Smith's mills, above Huntingdon,	90
From Middletown to Muncy hills, upon the west branch of the Susqehanna, and including ten miles placed under contract between Middletown and Columbia,	100
From Northumberland up the north branch of the Susquehanna to Nanticoke falls,	55
From Bristol to Easton,	60
From Bemus's mill, on French creek, to Muddy run,	19½

Of this distance 195 miles are navigable, viz:

From Pittsburg to the head of the dam at Blairsville,	75 miles.
From the mouth of the Juniata to Lewistown,	45
From Middlestown to Clark's ferry,	24
From the mouth of the Juniata to Northumberland,	41
On the French creek feeder,	10

A great portion of the remaining 233½ miles is nearly finished, and the whole is in a state of rapid progress to completion.

The sum required to pay the debts due upon the respective divisions of the canal, according to the reports of the acting commissioners and superintendents, is	$1,398,790 67
And the whole amount of work, of every description, yet to be done upon the several divisions, as estimated by the principal engineers, is	2,060,742 39
The amount already expended, is	6,406,000 00
	$9,865,533 06

Of which sum, there has been paid $47,132 73½ for damages, and $95,000 upon the Pennsylvania rail-way; leaving $9,723,400 33 expended, and to be expended, in the construction and completion of 428½ miles of the Pennsylvania canal, including the expenses of the board of canal commissioners, and the daily pay and salaries of the acting commissioners, superintendents, engineers, and other agents.

The cost of this immense public work, will be found, upon comparison, not to exceed in any material respect, the cost of similar works in this country, and although it presents a formidable sum, when viewed separately from the beneficial effects it is calculated to have upon the value of land, the trade, the industry, and the enterprize of the citizens of the commonwealth; yet, when viewed in connexion with those great and enduring benefits, policy and the best interests of the state, pronounce it a necessary and judicious expenditure. Regarded only as an investment of funds, it presents satisfactory inducements to the most eager lover of gain.

cording to the reports of the acting commissioners and engineers, as follow:

Western Division:	
Debts due,	114,737 26
Amount of certificates issued,	140'340 99
Estimated cost of work to be done,	351,280 91
Juniata Division:	
Debts due,	148,664 66
Amount of certificates issued,	241,368 61
Estimated cost of work to be done,	693,582 55
Eastern, Susquehanna and West Branch Divisions:	
Debts due,	144,122 51
Amount of certificates issued,	150,383 88
Estimated cast of work to be done,	296,301 13
Delaware Division:	
Debts due,	40,676 93
Amount of certificates issued,	141,353 11
Estimated cost of work to be done,	335,576 25
North Branch Division:	
Debts due,	62,450 29
Amount of certificates issued,	167,000 00
Estimated cost of work to be done,	225,855 00
French Creek Feeder:	
Debts due,	26,260 00
Estimated cost of work to be done,	45,000 00
Pennsylvania Rail-way:	
Debts due,	16,468 38
Amount of certificates issued,	4,964 05
Estimated cost of work to be done upon the 40 miles road formation under contract,	113,146 55½

From this review and estimate, it appears that there is now due upon the several divisions of the Pennsylvania canal, under contract, the sum of $1,399,790 67, for $845,410 64 of which certificates have been issued. That the amount of work to be done upon the several divisions of the canal and rail road, now under

contract and in progress of completion, as estimated by the principal engineers, is $2,060,742 39½. The nature of these demands upon the commonwealth, requires that they should be promptly liquidated. A moments reflection will show that unrewarded labour, to so large an amount as is now due, brings upon the enterprising contractor inevitable ruin, and deprives, particularly at this season of the year, a valuable portion of the community of their only means of subsistence.

Owing to the delays and interruptions incident to a work of this magnitude, the finished portions of the canal were not prepared for navigation until late in the season; by letting in the water the work was tested, and the weak points were ascertained; the work generally has fully answered the expectations of the board. Repairs in many instances have been made, and every precaution has been taken by the respective acting commissioners and superintendents, to guard against accidents, and secure the permanency and usefulness of the canal. Small sums have been received as toll upon the western and eastern divisions. The navigation has hitherto been more a matter of experiment than a regular business, but it has confirmed the opinion entertained of the ultimate value and utility of this great public work. It is believed the amount of tolls which will be received within the ensuing year, on the divisions of the canal now navigable, may be fairly estimated as follows:

On the Western division,	$30,000
Juniata division,	13,000
Eastern division,	10,000
Susquehanna division, including the bridge at Duncan's Island,	12,000
	$65,000

It is obvious, that an immense increase must ensue from the completion of other lines connecting the improvements, and from new channels of trade being established.

The powers which the canal commissioners now possess, are limited to a general superintendency, management and direction, in the location and construction of canals and rail roads; the appointment of officers and agents for that purpose, and the adjustment of claims for damages, &c. and when any part of the Pennsylvania canal shall be finished and in a state for navigation, they may appoint collectors of tolls and fix their location, and order and direct the rates of toll. It will be apparent, that with such limited powers, it is impossible for the board to adopt any code of rules and regulations applicable to the complicated and various transactions connected with the navigation of the canal and the collection of tolls. A rule or regulation which cannot be enforced is worse than useless. The board have no power to enforce any regulation by penal sanctions.

Near 200 miles of the canal will be navigable at the commencement of the next season, and the greatest part of that contracted for, will be navigable during the next summer, if means are provided to carry on the work. Hence the legislature will perceive the necessity of adopting a system of regulations and penalties, concerning the navigation of the canal and the collection of toll; the views of the board upon this subject are expressed in a system of rules accompanying this report.

The provisions in relation to damages, require legislative revision. As the law now stands, the feelings and prejudices of the country through which the improvements pass, too often constitute the only standard by which damages are measured, a standard uncertain and unequal, as it relates to individuals concerned, and frequently unjust as it regards the commonwealth. It is respectfully recommended to the legislature, to provide for the appointment of appraisers by the executive, who shall receive and decide upon all applications for damages done to real property, in consequence of the construction of the Pennsylvania canal or rail road, and who shall in their estimate, take into consideration the advantages and disadvantages of such improvements to the whole real estate of the individual claiming damages, wherever situated, with the right of appeal to either party to the supreme or circuit court.

Upon nearly all the divisions of canal, it is believed there is at various points, and particularly at and near the feeder dams, a very large amount of surplus water, which might be advantageously applied to hydraulic purposes: as no adequate provision has been made for the sale of such surplus water, and as it is believed that a very considerable revenue may be annually derived from this source, the expediency and propriety of making provision for the sale of hydraulic privileges, is most respectfully suggested.

The present canal commissioners met, in pursuance of the act by which they were appointed, on the first day of June 1829.—David Scott was appointed president, and Francis R. Shunk, secretary.

For the measures adopted by the board upon its organization, in the appointment of acting commissioners and superintendents, upon the several divisions of the canal and rail road, the appointment of principal engineers, and the arrangement of their different corps, and the fixing the compensation of the various officers, agents and persons employed in the service of the state, reference is made to the journal of the board which accompanies this report, as required by law.

The balance of the appropriation for canal and rail road purposes, made by the legislature, at the last session, and not expended by the late board, was found to be $1,407,704 30, which sum was received by the present board and its agents, during the past season, in the following proportions.

James S. Stevenson, upon the Western division,	$214,305 99
James Clarke, Juniata division,	305,336 40
John Forrey, jr. Eastern division,	163,282 32
John Ryon, jr. Susq. and W. Branch division,	232,175 14
Thomas G. Kennedy, Delaware division,	206,338 92
John Mitchell, North Branch division,	189,265 53
William Dickson, French Creek feeder,	45,000 00
John Barber, Pennsylvania rail way,	50,000 00
The board of canal commissioners,	2,000 00
	1,407,704 30

As a material portion of this sum was applied to the payment of debts then due, the balance was found to be entirely insufficient to enable the board to meet the expectations of the legislature, in prosecuting the public works during the season, as required by the provisions of the act of the 22d of April last.

On the fifth of July, the president of the board received a communication from Messrs. Blythe and Mahon, members of the board of internal improvement, informing him that the board had no funds at their disposal, for canal and rail road purposes, and that demands to a considerable amount had been presented by the acting canal commissioners and superintendents, which had not been met, for want of funds. In pursuance of this information, the president convened the board of canal commissioners on the 23d of July. As temporary loans had been obtained to meet the demands upon the treasury, prior to the meeting, and as the board then had reason to believe that no material embarrasment in the prosecution of the public works would be experienced, whilst any portion of the sum appropriated for that purpose remained unexpended, they urged the several acting commissioners and superintendents to employ such force, and apply such funds as would secure the most exposed portions of the public works, and bring early into operation the divisions of canal which were nearly completed.

At the meeting in October, it was found that the funds appropriated for canal and rail road purposes, had for some time, been insufficient to meet the sums due monthly by the commonwealth, to contractors, and that the acting commissioners and superintendents were under the necessity of granting certificates to such contractors, as evidence of the amount due to them respectively.—At this trying period, the board anxiously solicitous to preserve the public works, to save the meritorious contractors from inevitable ruin, and to promote the best interests of the commonwealth, recommended to the respective acting commissioners and superintendents, to prosecute the works upon their respective lines, without remission, and to continue until the meeting of the legislature, on the first Tuesday in December, to make the usual monthly estimates, and to give to each contractor, or person entitled to receive payment, a certificate of the amount due such per-

son. The certificates, a form of which was prescribed, to be signed by the acting commissioners and superintendents, and countersigned by the clerks upon the respective divisions. These measures had a tendency to lessen the evil consequent upon a deficiency of funds, and have enabled the board to continue the prosecution of the public works, up to the present period, without any material remission. For the redemption of these certificates, at the earliest possible moment, the most confident reliance is placed upon the justice of the legislature, in providing the requisite means; and as no acting commissioner or superintendent, can, under the existing laws, draw from the treasury more than 50,000 dollars at any one time, it is respectfully submitted, whether the interests of all concerned, will not require additional facilities for the prompt redemption of such certificates, upon the different divisions, whenever the necessary funds shall be provided.

As some of the divisions of the canal were so situated as to require immediate funds for the preservation of the works, and for guarding against the disastrous consequences of the frost and floods of the approaching season, and as there was reason to believe that sums adequate to the emergency, might be obtained from monied institutions or individuals friendly to the internal improvement of the state, on condition, that the same should be expended upon divisions designated, the constituted authorities were requested by the board to negociate such loans, to a limited amount.—The Governor accordingly obtained the sum of 106,000 dollars, which was distributed as has been stated in another part of this report.

The portage rail road across the Allegheny mountain, was included by the board, in the superintendency of the western division, and Moncure Robinson, who had been appointed the engineer in December last, was continued by the present board, for the purpose of completing his examinations and estimates upon this important public work. His report is herewith submitted. It will be seen that Mr. Robinson proposes passing the summit by a tunnel of one mile in length, and overcoming the elevation, by five lifts, and five levels on each side. The portage, according to his location, is 38 miles and 51 poles in length, and its complete execution upon his plan, is estimated at $936,004 87.

The best means of effecting this connection between the eastern and western waters, is a subject of great magnitude; for, independently of other considerations, upon it depends the successful competition of the Pennsylvania canal with other avenues, for the trade of the western states to the Atlantic. The board in employing Mr. Robinson upon this work, secured the services of an engineer of the first order. They required from him every kind of information necessary to a judicious selection of the best means of effecting the connexion. His report justifies the high opinion which was entertained of his talents and professional skill, and gives clear and comprehensive views of the subject.

At the meeting of the board in July, Major D. B. Douglas, who is known in this commonwealth as a highly respectable engineer, was appointed to make the surveys and estimates at the eastern termination of the Pennsylvania rail-road, required by a resolution of the legislature of the the 20th April last. His report and estimates upon the various routes, accompany this report. From all the facts laid before the board, they are of the opinion, that it is not the interest of the state now to construct more than one line of rail road from the inclined plane, near the farm of the late Judge Peters, and they recommend the extension of the line from that point down the western side of the river Schuilkill, to a point near Fairmount, thence across the said river and down its eastern side to sloop navigation, between Market and Chesnut streets, the road to be continued on the line and levels surveyed by Major Douglas, and projected in his report.

The canal commissioners were authorised, if they should deem it expedient, by a resolution of the legislature, adopted on the 23d of April last, to construct a road adjoining the 88th and 89th sections of the Pennsylvania canal, in Hemlock township, Columbia county; provided the cost should not exceed five hundred dollars, and provided that no part of the said sum should be expended until the citizens of the said county, should give satisfactory security for the completion of the said road, through section 87 and part of section 86.

In pursuance of this resolution, the board directed the engineer upon the North Branch division, to make an estimate of the cost of the road adjoining the 88th and 89th sections. The estimate was made, and amounted to $5,526; a proposition however was received by the acting commissioners from a contractor, for making the road for the sum of $4850. As neither came within the limits prescribed in the resolution, the board took no further order on the subject.

By the 2d section of the act of the 16th of April, 1829, relative to the appointment of canal commissioners, the board is required to appoint an engineer-in-chief of the commonwealth and superintendent of the surveys.

This important duty engaged the early attention of the board, at their first meeting. The difficulty of making a judicious selection at this period of the progress of the public works, and the dangerous consequences of making an injudicious one, are obvious. In addition to the great experience and professional skill for which this officer should be distinguished, he must have the faculty of drawing to himself powers which have been hitherto exercised by the principal engineers upon the respective divisions, without disturbing the harmony of the system; of making an innovation upon settled rules, without producing confusion.

For the purpose of obtaining the necesary information in order to proceed to a choice, the board directed the president to communicate upon the subject, with such persons as he might deem proper, and report the result of his correspondence. Two reports have

:en made by the president, in pursuance of this direction, but the formation received has not yet enabled the board to make a section.

By the second section of the act of the 22d April, 1829, it is made the duty of the canal commissioners to locate the route of a suitable navigation, either by canal, or by canal and slack water, between the city of Pittsburg, or the mouth of Kiskaminetas, and the borough of Erie, within the present year. With a view to this location, the board, at their meeting in June, directed James Ferguson and Moncure Robinson, two of the principal engineers in the employment of the board, to explore and select the best summit, for a connexion of the waters of the Conneaut lake and those of lake Erie. Owing to the engagements of Mr. Robinson, upon the rail-road across the Allegheny mountain, he was afterwards excused from the performance of this duty; and the explorations were made by Mr. Ferguson, who made report to the board in October. At the same time, petitions were presented from a very respectable number of citizens, residing in the counties bordering on the waters of the Allegheny river and French creek, stating that the questions arising out of the conflicting claims of the Allegheny and French creek, and Beaver and Shenango routes, involved important interests, as well as the constitutional rights of the petitioners, should a location be made by which the waters of French creek would be diverted from their natural course. They prayed for the postponement of the location until after the next meeting of the legislature, for the purpose of having an opportunity to ascertain important facts, necessary to insure a decision in favor of the Allegheny and French creek route. The board, upon considering the subject, directed a committee to examine all the documents in relation to the subject, and to report their views of the most eligible route, at the meeting in December.

This course was deemed the best, as a decision upon the subject might still be made within the period limited by the said act of assembly. At the present meeting of the board, the committee made their report, in which a decided preference is given to the route from Pittsburg by the Beaver, Shenango, Conneaut lake, Elk and Walnut creeks, to Erie, to any other which has yet been examined. In this opinion of the committee, the board concurred; but as a location could not be made without the consent of an engineer, and the approbation of the Governor; as no engineer in the employment of the state had charge of this line, and as the board did not possess the information necessary to a precise location, by a definite line, they could proceed no further, from the information in their possession, than merely to designate the route to be preferred. The employment of an engineer, and his necessary assistants, to make such examinations as would enable the board to make a definite location, would have been attended with considerable expense, which it was thought not prudent or expedient to incur, whilst the funds appropriated by the

legislature were found to be entirely inadequate to meet the demands of other and more urgent objects. When provision shall have been made for the commencement of this improvement, the precise location of the line will occasion very little delay.

Signed by order of the board.

DAVID SCOTT, *President.*

Attest—FRANCIS R. SHUNK, *Sec'ry.*

Canal Commisioners' Office,
Harrisburg, December 18, 1829.